



## City of Huntington Beach Planning Department

# STAFF REPORT

**TO:** Planning Commission  
**FROM:** Howard Zelefsky, Director of Planning  
**BY:** Scott Hess, Planning Manager  
**DATE:** March 23, 2004

**SUBJECT:** **TENTATIVE TRACT MAP NO. 16338/ CONDITIONAL USE PERMIT NO. 02-20/ SPECIAL PERMIT NO. 02-04/ COASTAL DEVELOPMENT PERMIT NO. 02-12/ CONCEPTUAL MASTER PLAN (Pacific City)**

**APPLICANT/  
PROPERTY**

**OWNER:** Makallon Atlanta Huntington Beach, LLC, Ethen Thacher, 4100 MacArthur Blvd., Ste 200, Newport Beach, CA 92660

**LOCATION:** 21002 Pacific Coast Highway (31-acre site bounded by Pacific Coast Highway, First Street, Atlanta Avenue, and Huntington Street)

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### **STATEMENT OF ISSUE:**

- ♦ **Tentative Tract Map No. 16338** request:
  - Subdivide approximately 27.8 net acres (31.5 gross acres) into three parcels for purposes of developing a mixed-use project. One of the parcels (17.2 acres) will be for residential condominium purposes and the other two parcels (4.12 acres and 6.47 acres) are for a commercial/office/hotel development.
  - Dedicate a 2.03-acre easement for a Village Green Park/open space and a 20-foot wide pedestrian corridor easement with public access.
  - Dedicate Pacific View Avenue per the Precise Plan of Street Alignment.
- ♦ **Conditional Use Permit No. 02-20** request:
  - Develop up to a 240,000 sq. ft. mixed-use project with retail, office, restaurant, cultural, and entertainment uses and a 400 room, eight-story hotel, spa and health club above two levels of subterranean parking.
  - Develop 516 multiple-family residential condominium units above one and two levels of subterranean parking.
  - Improve the 2.03-acre Village Green Park/open space easement.
  - Permit outdoor dining, alcohol beverage sales, live entertainment indoors and outdoors, and dancing within the proposed restaurants, entertainment, and hotel development.
  - Permit carts and kiosks within the commercial and hotel development.
  - Allow valet service, parking entrance gates, attendant booths, and/or collection of fees within the below grade parking structures.
  - Allow the number of parking spaces required for the mixed-use project (retail, office, restaurant, cultural, entertainment, hotel, and spa uses) to be based on a shared parking analysis, and to allow tandem parking spaces.

- Permit remaining soil remediation activities for the site, which include but are not limited to excavation, temporary stockpiling, and on-site remediation.
  - Associated infrastructure improvements including the extension of Pacific View Ave.
  - Permit development on a site that has a grade differential greater than three (3) feet from the low to the high point (approximately 26' from the lowest point to its highest point).
- ♦ **Special Permit No. 02-04** request:
- Allow commercial buildings and the hotel to encroach into the required setbacks along Pacific Coast Highway and Pacific View Avenue.
  - Permit three driveway ramps into the residential below grade parking structures at a slope of 15% in lieu of maximum 10%.
  - Permit retaining walls and low-rise patio walls in the required perimeter residential setback areas.
- ♦ **Coastal Development Permit No. 02-12** request:
- Allow development within the non-appealable area of the coastal zone consisting of a mixed-use project with associated infrastructure including the extension of Pacific View Avenue.
- ♦ **Pacific City Master Plan** request:
- Conceptual build out plan of the commercial and residential portions of the site.
- ♦ **Staff's Recommendation:** Approve Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20 with Special Permit No. 02-04, Coastal Development Permit No. 02-12, Conceptual Master Plan, and Statement of Overriding Considerations for the reduced commercial retail project alternative plan based on the following:
1. The reduced commercial retail project alternative plan is consistent with the General Plan Land Use Element designation of CV-F7-sp (Commercial Visitor with a max. floor area ratio of 3.0 and a Specific Plan) and RH-30-sp (High Density Residential with a max. 30 u/gac and a Specific Plan) on the subject property.
  2. The reduced commercial retail project alternative plan is consistent with the Local Coastal Program/Coastal Element as it does not impact public access or recreational opportunities in the Coastal Zone. There will be a 20 foot wide pedestrian accessway through the project between Pacific Coast Highway and Atlanta Avenue, and a 2.03 acre Village Green Park.
  3. As identified in EIR No. 02-01, the reduced retail commercial project alternative plan is the environmentally superior alternative.
  4. The commercial parking structure will be constructed concurrently with the first phase of residential units. Based on the conditions, subsequent residential phases will be constructed concurrent or following the retail commercial area.
  5. There will be adequate parking for the project; a total of 1,542 commercial parking spaces and 1,291 residential parking spaces are proposed.
  6. There are several public improvements to be constructed as a result of this project including the extension of Pacific View Avenue; widening of four public streets surrounding the site (Pacific Coast Highway, First Street, Atlanta Avenue, and a portion of Huntington Street); and traffic signals at the intersections of Atlanta Avenue and First Street, and Atlanta Avenue and Huntington Street to ensure that the development is adequately served with infrastructure.

7. 53.8 % of the residential project area (9.28 acres) will be in open space: a 2.03 acre Village Green Park, a 20 ft. wide pedestrian corridor easement (.34 acre), and 6.91 acres of common and private open space area.
8. The applicant will pay the full City Park Land In-Lieu Fees.
9. The public will have the right to use 2.4 acres of open space which includes the 2.03 acre Village Green park (easement), the 65 foot Village Green park entry corridor, the pocket park at First Street and Atlanta Avenue, and the 20 foot wide pedestrian easement corridor that runs between Atlanta Ave. and PCH.
10. The project provides 15% affordable housing which helps in meeting the City's housing goals.
11. Project is well designed in terms of street layout, building siting, pedestrian access, and architecture.
12. The project is designed to be compatible with adjacent medium and medium-high density residential uses in terms of building layout, site and building terracing, and open space uses.

♦ **Staff's Suggested Modifications:**

Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, and Coastal Development Permit No. 02-12:

1. The Reduced Commercial Retail Project Alternative plan shall be the approved layout (maximum of 191,100 sq. ft. of visitor serving commercial uses).
2. The below grade parking structures for the residential and commercial developments shall be redesigned to address the detailed comments identified in the Parking Plan Review by International Parking Design, Inc. dated January 14, 2004.
3. The project shall be developed in accord with the Phasing Diagram (Exhibit D-007). Phase IIa (Residential) and IIb (Commercial Parking Structure) shall be developed concurrently. Building permits for Phase III (Residential) and other residential phases shall not be issued until Phase IIb and IIc are completed, or evidence of the applicant's reasonable progress towards attainment of completion.
4. A minimum 25' setback from the property lines at the intersection of PCH and First St. shall be provided for carts and kiosks; provide continuous eight foot wide sidewalk along the PCH frontage without any encroachment of carts and kiosks; a minimum 20 foot wide entryway (without any carts/kiosks) to the project shall be provided from the PCH/First St. intersection; and the minimum 20 foot wide public pedestrian easement shall be consistent with the tract map without any encroachment of carts and kiosks.
5. The outdoor deck/dining areas for the restaurants along PCH on the south side of the Porte Cochere shall have a minimum setback of 25' from PCH.
6. The hotel podium level shall be setback 50' from the PCH ROW and the hotel tower shall be setback ten feet from the podium level consistent with the Downtown Specific Plan.
7. Maintain minimum 10' free and clear (without obstruction) pedestrian path along Pacific View Ave. from First Street to the Porte Cochere entryway for the hotel.

8. At least 500 parking spaces shall be available for self-parking (not valet) in the commercial parking structure, and that from Labor Day to Memorial day, at least one hour be free parking, and from Memorial Day to Labor Day, at least 30 min. must be free parking.
9. The draft Affordable Housing Plan shall be revised to include the timing of construction for the affordable units. Such timing of the affordable units shall be concurrent with the market rate units at a 15% ratio. In other words, as the 68 units in Phase IIa (Residential) are constructed, at least 10 affordable units (15% of 68) shall be constructed concurrently.

**Environmental Impact Report No. 02-01** is being processed concurrently with these entitlements and is addresses under a separate staff report. It is necessary for the Planning Commission to review and act on Environmental Impact Report No. 02-01 prior to action on these entitlements. Based on the EIR analysis, following approval of these entitlements, a CEQA Statement of Findings and Fact with a Statement of Overriding Considerations will be required.

### **RECOMMENDATION:**

Motion to:

- A. “Approve Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal Development Permit No. 02-12, and the Pacific City Conceptual Master Plan with Findings, Staff Suggested Modifications, and Suggested Conditions Of Approval (Attachment No. 1).”
- B. “Approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 8)

### **ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

- A. “Approve Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal Development Permit No. 02-12, and the Pacific City Conceptual Master Plan (*Applicant’s Request*) with Findings and Suggested Conditions Of Approval”
- B. “Deny Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal Development Permit No. 02-12, and the Pacific City Conceptual Master Plan with Findings for Denial.”
- C. “Continue Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal Development Permit No. 02-12, and the Pacific City Conceptual Master Plan, and direct staff accordingly.”

## **PROJECT PROPOSAL:**

**Tentative Tract Map No. 16338** represents a request to subdivide approximately 27.8 acres (31 gross acres) into three parcels for purposes of developing a mixed-use project. One of the parcels (17.2 acres) will be for residential condominium purposes and the other two parcels (4.12 acres and 6.47 acres) are for a commercial/office/hotel development (Attachment No. 3.1 – 3.9) pursuant to Chapters 250 to 258 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). Pacific View Avenue will be dedicated per Precise Plan of Alignment No. 88-1 and will extend from Huntington Street northwesterly to First Street resulting in two blocks for development.

The proposed residential density is 30 units per net acre. The residential parcel will include a 2.03-acre Village Park/open space easement dedicated for public usage as well as a lettered lot for a private access road. Primary access to the proposed residential development will be from the private loop road off Pacific View Ave. Other residential accessways are from First Street and Huntington Street. Primary access to the commercial portion will be from Pacific View Ave. A 20 ft. wide pedestrian easement is proposed through the commercial and residential blocks connecting Atlanta Avenue to PCH as required by the DTSP.

**Conditional Use Permit No. 02-20** pursuant to Sections 4.9.01 and 4.10.01 of the DTSP and **Coastal Development Permit No. 02-12** pursuant to Chapter 245 of the HBZSO, represent requests for the following:

- A. To develop a mixed use project consisting of retail, office, restaurant, cultural, and entertainment uses (up to 240,000 sq. ft.), and a 400 room, eight story hotel, spa and health club (Attachment No. 2) above two levels of subterranean parking with 1,542 spaces pursuant to Section 4.9.01 (b) of the Downtown Specific Plan (DTSP) and 231.18.G of the Zoning and Subdivision Ordinance (ZSO).
- B. To develop 516 condominium units within a mix of two, three, and four story buildings above two levels of subterranean parking with 1,291 spaces pursuant to Section 4.10.01 of the DTSP and 231.18.G of the ZSO. A draft Affordable Housing Plan has been prepared (Attachment No. 11) and indicates that 15% of the total units will be affordable for families of low and moderate incomes.
- C. To improve a 2.03 acre Village Green Park easement pursuant to Chapter 245 of the ZSO.
- D. To permit alcohol beverage sales, live entertainment indoors and outdoors, and dancing within the commercial and hotel development pursuant to Section 4.9.01 of the DTSP.
- E. To permit 10,550 sq. ft. of outdoor dining (Attachment No. 2.23) area within the commercial retail development pursuant to Section 4.2.33 of the DTSP.
- F. To permit carts and kiosks (Attachment No. 2.23) within the commercial and hotel development pursuant to Section 230.94 of the ZSO.
- G. To permit a shared parking analysis to establish the number of parking spaces required for the mixed-use project (retail, office, restaurant, cultural, entertainment, hotel, and spa uses) and for tandem parking spaces pursuant to Section 231.08 of the HBZSO. Per Schedule “A” in Section 231.04 of the ZSO, 1,941 parking spaces are required for the Full Buildout Plan (240,000 sq. ft.) and 1,776 spaces are required for the Reduced Retail Commercial Project Alternative Plan (191,100 sq. ft.); the project

includes 1,542 on-site parking spaces that include 104 tandem spaces. To validate the number of parking spaces for the project, a Parking Demand Analysis was prepared by Linscott, Law, and Greenspan dated October 15, 2003 (Attachment No. 6).

- H. To permit valet service, parking entrance gates, attendant booths, and/or collection of fees within the subterranean parking garage, pursuant to Section 231.18 E.2. and 231.18.G.5. Off-Street Parking and Loading Provisions, of the ZSO.
- I. To permit any additional soil remediation activities for the site to complement and complete the prior and on-going remediation activities, which may include but are not limited to excavation, temporary stockpiling, and on-site remediation pursuant to Chapter 245 of the ZSO.
- J. To permit associated infrastructure improvements including the extension of Pacific View Avenue pursuant to Chapter 245 of the ZSO.
- K. To permit development on a site with a grade differential of greater than three (3) feet from the low to the high point pursuant to Chapter 230.70 of the ZSO. The site has a 26' grade differential from its lowest point to its highest point.

**Special Permit No. 02-04** is requested pursuant Section 4.1.02 of the DTSP (Attachment No. 2.22) for the following:

- A. Allow commercial buildings with outdoor dining and the hotel to encroach into the required setbacks along Pacific Coast Highway (minimum 30 feet in lieu of 50 feet pursuant to Section 4.9.06 of the DTSP) and Pacific View Avenue (minimum 15 in lieu of 20 pursuant to Section 4.9.08 of the DTSP).
- B. To permit three driveway ramps into the residential below grade parking structures at a slope of 15% in lieu of maximum 10% pursuant to Section 231.18.G.1 of the ZSO).
- C. Permit retaining walls and private patio walls in the required perimeter residential setback areas that exceed the maximum allowed 42 inches in height (Attachment Nos. 2.11 – 2.12) pursuant to Section 230.88 of the ZSO.

**Pacific City Master Plan** is requested to comply with Sections 4.9.02 and 4.10.02, Minimum Parcel Size, of the DTSP and presents a conceptual mixed-use development plan of the entire project site (Attachment No. 4).

***Proposed Commercial/Hotel Development (Full Buildout Plan and Reduced Retail Commercial Alternative Plan)***

A total of seven buildings are proposed for the retail promenade clustered along a crescent shaped pedestrian walkway with a series of gathering areas. There will be a variety of commercial uses within the one, two, and three story buildings including retail, restaurant, entertainment, office, and cultural facilities. Proposed with the 400 room hotel are hospitality uses including a pool, spa, fitness and yoga center, restaurant, lounge, bar, pool area grille, resort retail shops, banquet and meeting rooms, and conference facilities within two eight story towers.

There are two alternatives for development of the commercial/hotel component of the project: a Full Buildout Plan which includes 240,000 sq. ft. of building floor area, and a Reduced Retail Commercial Alternative Plan consisting of 191,000 sq. ft. of building floor area. The Reduced Retail Commercial Alternative Plan excludes the third level of commercial floor area and part of the second floor. Of the total commercial area in either plan, up to 48,900 sq. ft. may be devoted to restaurant space. Any amount of the total commercial square footage allotted to restaurant use but not utilized for such use may be devoted to retail. The following table provides a breakdown of the square footage based on the proposed uses:

<b>PROPOSED USES</b>	<b>FULL BUILDOUT 240,000 SF PLAN</b>	<b>REDUCED PROJECT ALTERNATIVE 191,100 SF PLAN</b>
Retail	141,000 sf	112,200 sf
Restaurants/Night Clubs	38,900 sf	48,900 sf
Offices	60,000 sf	30,000 sf
Total Commercial	240,000 sf	191,100 sf
Hotel	334,300 sf (400 rooms)	334,300 sf (400 rooms)
Banquet/Meeting Rooms	9,300 sf (net) *	9,300 sf (net) *
Spa	15,000 sf	15,000 sf
Hotel Restaurant	5,000 sf	5,000 sf
Total Project	603,300 sf	554,400 sf

\* 16,000 gross sf of meeting and banquet facilities. 9,300 sf net includes meeting and banquet facilities only

A total of 10,550 sq. ft. of outdoor dining areas adjacent to the restaurants throughout the project is proposed for both alternatives.

Two levels of subterranean parking are proposed beneath the commercial/hotel component of the project area (Attachment Nos. 2.3 – 2.4). A total of 1,542 parking spaces are proposed with ingress and egress to the structure from two access points off Pacific View Avenue. 104 spaces will be in tandem either two deep or three deep. All spaces are standard size; there are no compact size spaces. Valet service parking is proposed off the circular drive adjacent to the hotel. All parking spaces will be either valet parking or paid parking, monitored by an attendant or controlled gates. Three loading areas are proposed, one along First Street, one off Pacific View Avenue, and one off Huntington Street. Pedestrian access from the parking structure to the promenade level is provided throughout the project.

#### ***Alcoholic Beverage Sales, Live Entertainment, Dancing, and Outdoor Dining***

The proposed restaurants will sell alcoholic beverages indoors and on adjoining outdoor dining areas. In addition, the request includes live entertainment and dancing (Attachment No. 5) to be available outdoors within the retail promenade area, facilities within the hotel, and for the retail promenade restaurants and second story nightclub. A variety of live entertainment is being requested.

The proposed live entertainment outdoors in three locations along the retail promenade will include musical bands, magicians, dance demonstrations, public speakers, cultural activities, etc. The proposed hours are Monday through Sunday from 10:00 AM to 9:00 PM. The live entertainment and dancing within the hotel will be part of the hotel's restaurant and ballroom facilities. The proposed hours are

Monday through Sunday from 9:00 AM to 2:00 AM. For the restaurants and the second-story nightclub in the retail promenade, dancing and live entertainment is proposed Monday through Sunday from 11:00 AM to 2:00 AM. This CUP is for the outdoor live entertainment in the retail promenade and the hotel but not for any restaurants or the nightclub. Prior to any live entertainment uses in any of the retail promenade restaurants and nightclub, a CUP shall be required. In addition, all live entertainment businesses are required to obtain an Entertainment Permit from the Police Dept.

A total of 10,550 square feet of outdoor dining is proposed within the Retail Promenade area. The areas proposed for outdoor dining shall be an extension of the proposed commercial establishments on the contiguous property. Those areas proposed for outdoor dining include the restaurant dining terrace areas along PCH, areas adjacent to the proposed café and retail fronting plazas within the retail promenade, outside retail establishments along 1st Street, and areas along the neighborhood serving retail along Pacific View Avenue. All of the restaurants and cafes that serve alcohol with outdoor dining areas can be expected to serve alcoholic beverages outdoors.

### ***Proposed Residential Development***

The proposed development consists of 516 multiple family residential condominium units in four different neighborhoods above subterranean parking (Attachment Nos. 2.34 – 2.50). The design includes townhomes and stacked flats in a mix of two, three and four story buildings. Four separate subterranean parking areas are proposed beneath the residential buildings; three are two levels. A total of 1,291 parking spaces are provided with 294 of them designated for guest parking. All spaces are standard size; there are no compact size spaces. Access to each structure is proposed from the gated loop road; one has a second gated access point from First Street and two others have a second gated access point from Huntington Street. There are 19 spaces proposed on the gated loop road.

The applicant's proposal includes 15 floor plans (Attachment Nos. 2.48 – 2.50) in four separate neighborhoods as summarized in the following table:

<b>Phase</b>	<b>No. of Units</b>	<b>No. of Bedrooms</b>	<b>Average Floor Area (Sq. Ft.)</b>
I – A	138	1	850
I – B	17	2	1,235
I – C	42	2	1,285
I - D	6	3	1,450
II – A	38	2	1,750
II – B	34	2	1,860
II – C	29	2	2,220
II – D	24	3	1,425
III – A	72	2	1,840
III – B	26	2	2,450
III – C	4	2	2,180
III – D	18	2	2,350
IV – A	52	2	1,840
IV – B	8	2	2,180
IV – C	8	2	2,350
<b>TOTAL:</b>	<b>516</b>		



The draft Affordable Housing Plan describes 15% of the total units will be affordable to families with very low, low, and moderate incomes as defined by the Orange County median income levels. Half of the units will be on-site and the other half off-site, and restricted for a period of sixty years.

The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. In addition, the applicant will be paying 100% of the City's Park Land In-Lieu Fees.

Makallon Atlanta Huntington Beach, LLC has been working on an agreement with Huntington Beach Union High School and Oceanview school districts regarding the School Facilities fee.

The request also includes development on a site with a grade differential of greater than three feet. Currently there is a grade differential of approximately 26 feet between the low point at the intersection of Pacific View Avenue and Huntington Street (5.7 ft.) and the high point at the intersection of First Street and Atlanta Avenue (31.7 ft.). The site will be cut for the subterranean parking structures and filled for the remaining areas of the site including Pacific View Avenue. The first level of the commercial and residential buildings above the subterranean parking will be the podium level (30 ft.) except for several residential units along Huntington Street. Those units within 100 ft. of Huntington Street will terrace with the grade change along Huntington Street from Atlanta Avenue to Pacific View Avenue (Attachment Nos. 2.43 – 2.46).

Remediation has been previously approved for the southeastern portion of the site through a separate conditional use permit and coastal development permit. This request includes any additional soil remediation activities for the site to complement and complete the prior and on-going remediation activities, and may include but is not limited to excavation, temporary stockpiling, and on-site remediation. The remediation would occur pursuant to the phasing and mitigation measures described in the EIR.

Pacific View Avenue is proposed as a two-way road with angled parking on the commercial side and parallel parking adjacent to the residential area (Attachment No. 3.3 – 3.4) within a 90 ft. right of way area. An ultimate improvement plan has been prepared depicting Pacific View Avenue as a four lane arterial at such time as the traffic volumes warrant the modification. The developer will provide sufficient funds to complete the improvements at that time.

A Public Art Element (Attachment No. 13) has been submitted in conjunction with the project. It describes in general six locations for future art. The public art proposed includes various art mediums, which depict an array of sculptures, fountains, and decorative/functional art pieces, which will be displayed in both the Visitor-Serving Commercial District as well as the Residential Area.

The project is proposed to be developed in phases (Attachment No. 2.24) as follows:

Phase	Development
I	Off-site public improvements which includes the surrounding public streets
Ila	Residential - Phase I (68 units) within the loop road area adjacent to the Village Park easement.
Ilb	Subterranean parking structure for the commercial component and hotel.
Ilc	Retail Promenade (podium level)
III	Residential - Phase II (125 units) along First Street
IV	Residential - Phase III (203 units) along Atlanta and Huntington Street
Va	Residential - Phase IV (120 units) along Huntington Street and Pacific View Avenue
Vb	Hotel

The Master Plan includes discussion of project goals and objectives, design features, a conceptual site plan, a landscape plan, a hospitality hotel, and the residential development. It also describes the vehicular circulation for the project, parking, and pedestrian access. There is a brief discussion of a pedestrian overpass from the site to the South Beach parking lot spanning across PCH. It should be noted that this CUP/CDP does not include the overpass; a separate CUP/CDP will be required at the time the applicant requests approval.

### **ISSUES:**

#### **Subject Property And Surrounding Land Uses, Existing Zoning And Existing General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	CV-F7-sp (Commercial Visitor with max. 3.0 floor area ratio and a Specific Plan) and RH-30-sp (High Density Residential with 30 u/gac and a Specific Plan)	Downtown Specific Plan (SP 5) – District 7 (Visitor Serving Commercial and District 8A (High Density Residential)	Vacant
North of Subject Property (across Atlanta Ave.):	Residential Medium High Density	Residential Medium High Density-Small Lot	Multi-family units
East of Subject Property (across Huntington St.):	Residential Medium Density and Commercial Visitor	Manufactured Home Park and SP 5 – District 9 (Commercial/Recreation)	Mobilehome park and Waterfront Hilton Hotel
South of Subject	Open Space-Shore	SP 5 – District 11 (Beach	South Beach Parking

Property (across PCH):		Open Space)	Lot, Beach and Beach Improvements
West of Subject Property (across 1 <sup>st</sup> St.):	Mixed Use Vertical	SP 5 – District 3 (Visitor Serving Commercial) and District 5 (Mixed Use; Commercial/Office/Residential)	Commercial, Oil-Related and Residential

### **General Plan Conformance:**

The General Plan Land Use Map designation on the commercial portion of the project is CV-F7-sp (Commercial Visitor with a floor area ratio of 3.0 and a Specific Plan) and on the residential portion of the project it is RH-30-sp (High Density Residential with a max. 30 u/gac and a Specific Plan). In addition, the project is located within Subarea 4C and 4I of the General Plan. The proposed tentative tract map, conditional use permit, and coastal development permit are consistent with these designations and the goals and objectives of the City's General Plan as discussed below. A detailed list of goals and policies is incorporated into the conditional use permit findings for approval.

#### **A. Land Use Element**

The mixed-use project consisting of retail, office, restaurant, cultural, entertainment uses and a 400 room, eight-story hotel proposed for the site represents development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, much of which is currently vacant, and provides additional destination uses that would attract and complement new and existing retail, restaurant, and hotel uses.

The design of the project promotes development of commercial buildings that convey a unified, high-quality visual image and character. It is in conformance with the City's Design Guidelines. The City's Design Review Board has reviewed the proposed architecture, colors, and materials and recommends approval of the design concept. The project provides for adequate access along all public streets, and required parking pursuant to a parking analysis in a two-level subterranean parking structure.

The proposed multiple family residential buildings are well articulated and have enhanced building elevations along street frontages. Ground floor units along the perimeter of the residential site are oriented towards the street. The design of the residential subdivision includes four district neighborhoods emphasizing a cluster of buildings around a 2.03-acre village green park with recreational areas and a 20-foot wide pedestrian corridor. Connecting the village green park to Pacific View Avenue is a 65-foot entry corridor that is accessible to either crosswalk on Pacific View Avenue providing access to the retail promenade. With subterranean parking, there are no garages to dominate the street scene and front yard/patios become activity areas. In addition, there will be a landscaped parkway adjacent to the curb around the perimeter of the site. The residential project is separate from commercial activities by Pacific View Avenue.

There will be surplus parking for the project; a total of 1,542 commercial parking spaces and 1,291 residential parking spaces are proposed. The number of residential parking spaces is based on Schedule "A" in Section 231.04 of the ZSO, and the number of commercial/hotel parking spaces is

based on a Parking Demand Analysis prepared by Linscott, Law, and Greenspan. The Analysis indicates that there will be 170 surplus parking spaces at the peak period of the week.

There will be public improvements made in conjunction with the project to ensure that the development is adequately served with infrastructure. In addition, the developer will be paying required school fees and comply with a Mitigation Agreement with the affected school districts.

B. Coastal Element

The proposed project would develop a mix of commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced commercial retail project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel.

C. Economic Development Element

The proposed project promotes development in accordance with Huntington Beach's Economic Development Element, as retail, office, restaurant, cultural, entertainment uses, and a 400 room, eight-story hotel development will broaden and stabilize the City's economic base and further diversify the range of overnight accommodations. In addition, the visitor-serving retail and commercial uses would further support the economic needs of the City.

D. Housing Element

The residential portion of the project is designed for 516 residential units in four different neighborhoods. There will be 15 varied floor plans in a townhome and stacked flat design. The floor plan sizes range from an average of 850 sq. ft. to 2,450 sq. ft. with one, two, and three bedrooms. Also, 15% of the total project units will be affordable for low to moderate-income families. These units will be on-site and off-site.

E. Circulation Element

The applicant will be constructing Pacific View Avenue, improvements to Atlanta Ave., Huntington Street, First Street, and PCH, and a bus turnout on PCH. The EIR included a detailed traffic analysis to document potential impacts associated with the project. Mitigation would be required for the intersection of PCH and Seapoint, and PCH and Warner, as well as a traffic signal at 1<sup>st</sup> and Atlanta. Mitigation Measures TR-1 through TR-3 require the developer to contribute its fair share of the cost of these improvements and construct the signal.

F. Recreation and Community Services Element

The residential portion of the project is required to provide 4.81 acres of open space area based on 25% of the total residential floor area. The proposal is for 9.28 acres of common and private open space which represents 53.8% of the site. Some of this common area will be accessible by the public including a 2.03 acre Village Green park/open space easement, 65 foot Village Green park entry corridor, and a 20 foot wide pedestrian easement corridor from Atlanta Avenue to PCH. In addition, the applicant will be paying the full (100%) City Park Land In-Lieu Fees.

G. Subarea Schedule

Subarea 4C PCH/First Street (Commercial/Hotel Component):

The mixed-use project consists of retail, office, restaurant, cultural, entertainment uses (live entertainment and dancing) and a 400 room, eight-story hotel. The commercial buildings are two to three stories clustered along a crescent shaped pedestrian walkway with a series of gathering areas and plazas for public activity and views to the ocean. A unified, high-quality visual image and character is created by the unique building designs and architecture. There is a 20-foot wide pedestrian walkway through the commercial project from PCH to Pacific View Avenue and then it continues through the residential area connecting Pacific View Avenue to Atlanta Avenue. Along the PCH frontage is a meandering walkway with defined entries at First Street and Huntington Street.

Subarea 4I Atlanta-First Street (Residential Component):

There are 516 multiple family residential units proposed at a maximum density of 30 units per net acre in accord with the Downtown Specific Plan. The units are in two to four story, well articulated buildings with enhanced building elevations along street frontages. The residential development is consistent with the policies of 9.3.1 to 9.3.3 as noted under the Land Use Element of this section. Incorporated into the project is a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH, which will be open to the public.

Zoning Compliance:

This project is located in Downtown Specific Plan – District 7A (Visitor-Serving Commercial) and 8A (High Density Residential) - Coastal Zone and complies with the zoning requirements except for the three special permits requested. A zoning conformance matrix has been prepared (Attachment No. 7) that compares the proposed project with the development standards of the Downtown Specific Plan and the HBZSO.

### **Urban Design Guidelines Conformance:**

The proposed reduced project alternative plan is in substantial conformance with the Urban Design Guidelines, Chapter 5, Downtown/Main Street Commercial. The site planning is imaginative for both the residential and commercial components of the project. Multiple family residential units are clustered within groups of buildings with varying heights. Ground floor residential units around the perimeter of the site are oriented towards the public streets and have entries facing the street with private patio areas. Access to the upper story units is from within the project. There are several small recreational areas, a 20 ft wide public accessway through the project, as well as a 2.03 acre Village Green that are connected by pedestrian walkways to link the residential neighborhoods.

The placement and design of the commercial structures facilitates and encourages pedestrian activity along PCH, Pacific View Avenue, and within the retail promenade. The commercial buildings are clustered in a manner to create plazas and visual links to the street and sidewalks. The unique opportunity to do this is by designing the parking within below grade parking structures. The architectural style creates visual interest that complements the pedestrian plaza areas and walkways rather than detracts from them.

Overall, the project design will establish pedestrian-oriented, attractive, inviting, imaginative and functional site arrangement of buildings that provide high quality architecture and design.

### **Environmental Status:**

The project's potential environmental impacts are analyzed and discussed in a separate staff report. Prior to any action on Conditional Use Permit No. 02-20 with Special Permit No. 02-04, Coastal Development No. 02-12, and Tentative Tract Map No. 16338, it is necessary for the Planning Commission to review and act on Environmental Impact Report No. 02-01 (separate report). Staff, in its initial study of the project, is recommending that Environmental Impact Report No. 02-01 be certified as adequate and complete with mitigation measures, findings of fact, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

Although the project results in adverse impacts to the environment that cannot be mitigated or avoided, the Planning Commission may still approve the project if a Statement of Overriding Considerations is adopted. CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks in determining whether to approve the project. If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the City may consider the adverse environmental effects acceptable. In this particular case, staff believes the economic and social benefits of the proposed project outweigh the adverse impacts to Air Quality and Transportation and Traffic.

Following approval of the tentative tract map, conditional use permit with special permits, and coastal development permit, the Planning Commission must approve CEQA Statement of Findings and Fact with a Statement of Overriding Considerations (Attachment No. 8).

### **Coastal Status:**

The proposed project is located within the non-appealable jurisdiction of the Coastal Zone. Coastal Development Permit No. 02-12 is being processed concurrently with Conditional Use Permit No. 02-20 with Special Permit No. 02-04, and Tentative Tract Map No. 16338 pursuant to Chapter 245 of the ZSO. The proposed project complies with the zoning code (with exception to the requested special permits) and Coastal Zone requirements, and will implement the following policies of the Coastal Element of the General Plan:

- Protect, encourage and, where feasible, provide visitor-serving facilities in the Coastal Zone that are varied in type and price.
- Improve the appearance of visually degraded areas.
- Ensure that adequate parking is provided in all new development in the Coastal Zone.

### **Redevelopment Status:**

The project is located in the Huntington Beach Redevelopment Project, Main-Pier sub-area. The Economic Development Department has reviewed the request and supports the proposed development because the project will further implement the Main-Pier Redevelopment Project sub-area by:

- Providing additional visitor-serving commercial opportunities in the downtown;
- Providing additional overnight lodging accommodations;
- Providing additional dining opportunities for both visitors and residents of the community at large;
- Enhancing local revenues through the generation of sales tax, property tax increment and transient occupancy taxes that will benefit the community at large.
- Providing affordable housing opportunities in the downtown area.

### **Design Review Board:**

The Design Review Board reviewed the proposed project on August 28, 2003, September 4, 2003, October 7, 2003, and November 24, 2003. The Board reviewed the entire set of conceptual architecture and landscape plans. This included the review of colors, materials, design, and plans for the residential condominiums, commercial/retail buildings, and the hotel building. At each meeting the Board commented on the architectural elements and building mass of the residential and commercial buildings. They made various recommendations to the original plans relative to roof and building façade articulation, building materials, and building bulk. After the second meeting, the plans were revised to reflect the Board's recommendations. At the third meeting, DRB had positive comments regarding the revised plans and had no objections to the special permit requests. Some minor changes were recommended.

The Design Review Board on November 24, 2003 voted to recommend approval of the project to the Planning Commission with the following recommended condition:

- Detailed plans of the following project components shall be subject to review and approval by the Design Review Board:
  - a. Elevations, colors and materials of the hotel.
  - b. Final colors and materials of the commercial and residential buildings.
  - c. Public Art Concept Plan.
  - d. Landscape and hardscape plans on private and public property.

- e. Planned Sign Program
- f. Furniture and utilities throughout the project.

**Subdivision Committee:**

The Subdivision Committee reviewed tentative Tract Map No. 16338 on October 9, 2003 and October 21, 2003. Staff introduced the proposed subdivision including the Pacific View Avenue extension, the private loop road, street access to the development, and the layout of the condominiums. The Subdivision Committee reviewed the recommended conditions of approval for the tentative map from the Planning Department, Public Works Department, Fire Department, and Community Services Department. The Subdivision Committee recommended approval of the proposed tentative tract map to the Planning Commission with some minor modifications/clarifications. The map now reflects certain recommended changes and conditions. Other modifications have been incorporated into the staff recommended conditions of approval. In addition, the Subdivision Committee voted to revise the Assessment District condition as follows:

- Revise condition from Department of Public Works requiring the applicant to be responsible for maintaining the medians, and landscaping in the medians. The Committee voted to include applicant's "fair share" for maintaining the medians.

**Other Departments Comments:**

The Departments of Public Works, Fire, Community Services, Economic Development, and Building and Safety have recommended conditions that are incorporated into the conditions of approval.

**Public Notification:**

A notice was sent out on August 18, 2003 to all property owners of record within a 1,000 ft. radius of the subject property, applicant, and interested parties about the Subdivision Committee meetings, Design Review Board meetings, and the two September 2003 Planning Commission Study Sessions. For the March 23, 2004 public hearing, legal notice was published in the Huntington Beach Independent on March 11, 2004 and March 18, 2004, and notices were sent to property owners of record within a 1,000 ft. radius of the subject property, individuals/organizations requesting notification (Planning Department's Notification Matrix), applicant, interested parties and individuals/organizations that commented on the environmental documents.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

EIR: Jan. 8, 2003

Tentative Tract Map: December 23, 2003

CUP/CDP: December 23, 2003

**MANDATORY PROCESSING DATE(S):**

April 7, 2004 (Includes max. 90-day extension allowed by CEQA)

Within 50 days from EIR Certification

Within 180 days from EIR Certification



## **ANALYSIS:**

This is the last major vacant parcel in the downtown area to be developed. The proposed Pacific City project is fulfilling the expectations of the Downtown Specific Plan by proposing a mix of visitor-serving commercial uses to complement the downtown commercial core. The Retail Promenade serves as a link between the Downtown area and the Waterfront Hotel complex. Located along the southern portion of the property is the proposed eight-story hotel, which is compatible with the 12-story Waterfront Hilton hotel.

A wide spectrum of visitor opportunities resulting from this project adds to the destination resort image the City has created. North of the commercial promenade is 516 residential units proposed in a mix of two, three and four story buildings compatible with surrounding residential development. The project is consistent with the General Plan Land Use designations for the property as well as the Downtown Specific Plan density and intensity prescribed for the site.

The current Pacific City mixed-use development proposal has been studied with regards to several planning issues over the last three years. During this time, several issues have been identified and addressed through the design review process, community meetings, and an extensive analysis in the project EIR. Below is a discussion of the primary issues and analysis of the special permit request.

### **Land Use Compatibility:**

#### *Open Space/Public Access*

The residential portion of the project is required to provide the equivalent of 25% of the total residential building floor area (838,094 sq. ft.) as open space, for a total of 4.81 acres. This represents 27.9% of the entire 17.23 acre residential parcel. The proposal is for 6.91 acres of open space which represents 40% of the site as follows:

<b><u>Residential Open Space Summary</u></b>	
<b>Location</b>	<b>Area (acres)</b>
Recreational Areas (4)	.49
Common Open Space	4.15
Private Open Space	2.27
<b>TOTAL PROPOSED:</b>	<b>6.91</b>
Village Green Park	2.03
20 ft Pedestrian Easement	.34
<b>COMBINED TOTAL:</b>	<b>9.28</b>

In addition, the 2.03 acre Village Green Park/open space area and the 20 ft. pedestrian corridor easement through the project adds 2.37 acres to the project requirement for a combined total of 9.28 acres of residential open space, equaling 53.8 % of the parcel. Also, the commercial portion of the project will have the continuation of the 20 ft. pedestrian easement to PCH, and a meandering walkway parallel with PCH from First Street to Huntington Street that will be accessible to the public through public easements. In the retail promenade there will be many plaza areas, open-air commercial activities and view opportunities open to the public as well.

### *Grade Differential*

There is a grade differential of approximately 26 feet between the low point at the intersection of Pacific View Avenue and Huntington Street (5.7 ft.) and the high point at the intersection of First Street and Atlanta Avenue (31.7 ft.). Because of this varied grade surrounding the site, the finished floor of the commercial and residential buildings above the subterranean parking will be at a grade (podium) level of 30 ft. above sea level. There will be landscaped slopes and retaining walls along the commercial side of the project adjacent to PCH, Huntington Street and a portion of PVA. As the sidewalk along PCH traverses from north to south, it becomes higher than the road the closer one gets to the intersection of PCH and Huntington. This higher elevation above PCH allows for lookouts for views to the ocean.

Most of the residential units will be at grade except several residential units along Huntington Street and a portion of Pacific View Avenue. Those units within 100 ft. of Huntington Street will terrace with the grade change along Huntington Street from Atlanta Avenue to Pacific View Avenue. This terracing combined with the two to four story buildings creates interesting structures and a varied street scene (Attachment Nos. 2.43 – 2.46). Since the perimeter buildings provide transition and scale to adjacent properties, Staff supports the request.

### *Architecture*

The proposed architecture is unique to the Pacific City project yet consistent with Design Guidelines. The commercial portion of the project is a style called Southern California Coastal and is based upon a variety of architectural styles that define the region with Spanish and Mediterranean architecture influence. Exterior elevations are characterized building bases, pedestrian scale, stepping of massing with grade, and roof movement.

The residential buildings are designed in four styles of the California Coastal character. They have been categorized as: "Beach Cottage" (craftsman and bungalow tradition); "Southern California Spanish"; "Italianate/ Romantic Mediterranean"; and "Contemporary Coastal". No two adjoining buildings around the perimeter of the site are of the same architectural style creating a residential village appearance.

## **Parking**

### *Number of Parking Spaces*

All of the required commercial/hotel parking is within two levels of below grade parking; the majority of the residential parking is also within one and two levels of below grade parking. The request includes a shared parking analysis for the commercial/hotel parking based on the proposed mix of commercial uses. Basically, the code allows for a lesser parking requirement when it can be shown that the parking demand will be less than the requirement in Schedule A of Section 231.04 of the ZSO. Below is a table of the required commercial/hotel parking for the Full Buildout and Reduced Alternative Plan pursuant to this Schedule:

USE	CODE REQUIRED	FULL BUILDOUT PLAN	REQUIRED SPACES	REDUCED ALT. PLAN	REQUIRED SPACES
Office	1/250 sf	60,000 sf	240	30,000 sf	120
Restaurant	1/100 sf	38,900 sf	389	48,900 sf	489
Outdoor Dining	1/100 sf	6,100 sf	61	6,100 sf	61
Retail	1/200 sf	141,000 sf	706	112,200 sf	561
Hotel	1.1/Room	400 Rooms	442	400 Rooms	442
- Restaurant	1/100 sf	5,000 sf	50	5,000 sf	50
- Banquet	Included	9,300 sf (net) *	0	9,300 sf (net) *	0
- Health Spa	Included	15,000 sf	0	15,000 sf	0
On-Street Parking	1/1 Replacement		53		53
<b>TOTAL</b>			1,941		1,776
<b>PROPOSED</b>			1,543		1,543

\* 16,000 gross sq ft of meeting and banquet facilities. 9,300 sq ft net includes meeting and banquet facilities only

Although a total of 10,550 sq. ft. of outdoor dining area adjacent to the restaurants throughout the project is proposed for both alternatives, only 6,100 sq ft of this area is subject to the one space per 100 sq ft requirement. Several of these areas are small in area and adjacent to the proposed restaurant so there is no additional required parking for these outdoor dining areas.

Currently there are 69 on-street public parking spaces abutting the property that would be removed as a result of this project due to street widening and restriping. They are as follows: 27 spaces along PCH, 22 spaces along First Street, and four spaces on Atlanta Avenue; there are no spaces on Huntington Street abutting the property. Of these spaces, 16 will be relocated back onto First Street after project completion. The balance of 53 on-street spaces will be replaced pursuant to the Coastal Zone requirements within the commercial parking structure. It should be noted that when Pacific View Avenue is completed there will be 55 additional on-street parking spaces available. These are not part of the required parking spaces and were not counted or credited towards any part of the project.

A Parking Demand Analysis was prepared by Linscott, Law, and Greenspan for the commercial site (Attachment No. 6). It analyzed the mix of uses, the parking code requirements, a parking requirement-demand analysis, a demand ratios comparison, a shared parking analysis, a Full Buildout plan and Reduced Alternative Plan comparison for the commercial portion of the project, and a weekday and weekend analysis. It concluded that peak demand for the Full Buildout Plan during a weekday would be 1,482 spaces and during the weekend would be 1,347 spaces. With the addition of the 53 spaces to be replaced on-site, the total parking demand is 1,535 spaces. Since there are 1,542 spaces proposed, this would result in a surplus of seven parking spaces. For the Reduced Retail Commercial Alternative Plan, the weekday total demand was 1,319 spaces and the weekend demand was 1,295 spaces. With the addition of the 53 on-street spaces to be replaced on-site, the total parking demand is 1,372 spaces resulting in a surplus of 170 spaces. Staff supports the shared parking analysis for reduced number spaces than as required in Schedule "A".

All of the residential parking meets the code required number of spaces in below grade parking with some guest parking on the loop road.

#### *Subterranean Parking Structures/Tandem Spaces*

Due to the multiple levels of below ground parking structures, valet parking, and tandem parking spaces proposed, staff recommended that an independent review of the parking plan be performed. As a result, International Parking Design, Inc. reviewed the proposed parking based on the City's Zoning Code together with recommended vehicular turning standards developed by the Institute of Traffic Engineers, International Parking Design, and other cities turning requirements. Their evaluation and recommendations are included in their report dated January 14, 2004 (Attachment No. 9).

Several modifications are recommended that improve the turning movements within the structure and the functionality of the layout but do not substantially affect the parking structure design. There are 114 parking spaces proposed for tandem with many designed in a three deep configuration. One of the recommendations is to limit tandem spaces to two deep. There may be some loss of parking spaces from addressing the recommendations but based on the Reduced Retail Commercial Alternative Plan, a number of surplus spaces will still remain. Staff recommends a condition to redesign the parking in accord with the report's recommendations.

#### **Valet Service, Parking Entrance Gates, Attendant Booths, And/Or Collection Of Fees**

Self-parking and valet parking will be available for all visitors using the commercial parking structure. Self-parking will be available at both entrances to the commercial parking structure and valet parking will be available at the southeast entrance at the hotel and Retail Promenade motor court/porte cochere.

Upon entering the parking structure, self-parking visitors would pull a ticket from a machine at the bottom of the parking ramp, which would then allow visitors to access the parking area. Visitors who used the parking for a short period of time (approximately 15 minutes) would not be required to pay any parking fees when exiting the parking structure. Visitors who are dining, shopping, or visiting office tenants in the Retail Promenade would be provided some type of parking validation; the value of validated parking would vary depending on the visitor's use or the amount of purchase.

Hotel guests who use the parking structure would pay a fee per night for using the parking structure. Visitors who use the parking structure but do not shop or dine in the Retail Promenade or stay at the hotel will be required to pay the full parking fee based on the length of their stay. Visitors who choose to use the valet parking service will pay a fee for that service.

The residential area will have privacy gates at all entrances. The loop road will be gated as well as the below grade residential parking areas.

Staff supports the request for gates and controlled access to the commercial and residential parking structures. However, it is recommended that a longer period of time be available for free parking in the commercial parking structure as follows: minimum 30 minutes for Memorial Day and Labor Day weekends and the days in-between, and minimum one hour free parking for the days between Labor Day and Memorial Day weekend. This would allow someone adequate time to drive to the lower levels, find a parking space, walk to the retail promenade area, walk through the retail promenade, and then decide to

stay or not without having to pay for parking. In addition, it is recommended that at least 500 of the 1,542 parking spaces be always available for self-parking (not valet).

### **Park and Parkland Requirements:**

The City requires parkland dedication and/or payment of in-lieu fees for residential projects pursuant to Section 254.08 “Parkland Dedication” of the City Municipal Code. Based upon the 516 residential units proposed for Pacific City, an obligation of 6.9 acres is required. As part of the review process of the Pacific City project, the City evaluated the need for a public park or an easement for public use of an open space area in the Pacific City project. To meet the City’s Parkland requirement, the park area would need to be dedicated in-fee. Since this would impact the number of allowable units for the project, it was proposed by the applicant to dedicate a 2.03-acre open space easement for public purposes in order to provide additional on-site open space and pay the full parkland in-lieu fees. Staff supports this scenario.

### **Alcoholic Beverage Sales, Live Entertainment, Dancing, Outdoor Dining, Kiosks**

Staff supports the proposed alcoholic beverage sales, outdoor dining, live entertainment, dancing, and kiosks as described under the Project Proposal. The proposed live entertainment outdoors in three locations along the retail promenade will include musical bands, magicians, dance demonstrations, public speakers, cultural activities, etc. that will add to the festive atmosphere for the retail promenade. All these activities for the hotel will be within the building and/or its ancillary uses within the hotel and pool area. They will be adequately buffered from the residential areas to the north. In addition, the Police Department will be reviewing and conditioning the Entertainment Permit for these uses and imposing conditions making the entertainment uses more compatible with the surrounding land uses. A separate CUP will be required for any proposed live entertainment and dancing in any of the retail promenade restaurants and nightclub.

Staff is recommending that a greater setback be provided for part of the outdoor dining area along PCH and the kiosk area be setback from the PCH and First Street intersection (Attachment No. 2.23). This will allow for more landscaping along PCH to soften the grade differential between the PCH and the proposed 30 ft. elevation of the podium level. In addition, a greater setback for the kiosks at the PCH and First Street intersection will keep the corner plaza area open for pedestrian access serving as an entry node to the retail promenade.

### **Affordable Housing**

The draft Affordable Housing Plan indicates that half of the affordable units will be on-site, for sale units for moderate-income households (up to 100% of Orange County median). The other half of the affordable units are proposed to be off-site rental units affordable to families of very low-income (less than 50% of Orange County median) and low-income level (less than 80% of Orange County median). These off-site units will be either within the Redevelopment Project Area, or outside of the Redevelopment Project Area in which case, the required number of affordable housing units doubles. The period for affordability is sixty years. Staff supports the Plan and is recommending that the number of affordable units be constructed concurrent with the market-rate units at the 15% ratio. In other words, as the 68 units in Phase IIa (Residential) are constructed, at least 10 affordable units (15% of 68) shall be constructed concurrently.

### **Special Permits:**

The applicant is requesting approval of three special permits (Attachment No. 5). Section 4.1.02 of the Downtown Specific Plan allows the Planning Commission to grant special permits for deviations from the development standards of the Downtown Specific Plan. Special permits may be approved when the Planning Commission determines that significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. In addition, the Planning Commission must determine that the project and related special permits will also:

1. Promote better living environments; and
2. Provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design; and
3. Not be detrimental to the general health, welfare, safety and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general; and
4. Be consistent with objective of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment; and
5. Be consistent with the policies of the Coastal Element of the City's General Plan and the California Coastal Act; and
6. Comply with State and Federal law.

#### *Special Permit No. 1*

Allow commercial buildings and the hotel to encroach into the required setbacks along Pacific Coast Highway (minimum 30 feet in lieu of 50 feet pursuant to Section 4.9.06 of the DTSP) and Pacific View Avenue (minimum 15 ft. in lieu of 20 ft. pursuant to Section 4.9.08 of the DTSP).

#### *Special Permit No. 2*

To permit three driveway ramps into the residential below grade parking structures at a slope of 15% in lieu of maximum 10% pursuant to Section 231.18.G.1 of the ZSO).

#### *Special Permit No. 3*

Permit retaining walls and private patio walls in the required perimeter residential setback areas that exceed the maximum allowed 42 inches in height pursuant to Section 230.88 of the ZSO.

These Special Permits result in a greater benefit from the project and will promote a better living environment because the arrangement of structures, parking, circulation areas, and open space areas relate to the surrounding built environment in pattern, function, scale, and character. The commercial portion of the project is a blend of the reduced building setbacks along PCH north of the site and the greater setbacks of the hotels along PCH to the south of the site. The placement and design of structures along PCH and Pacific View Avenue with reduced setbacks results in a better project because it facilitates and encourages pedestrian activity and conveys a visual link to PCH and PVA. The reduced setbacks allow for clustering of buildings to create unique plaza areas throughout the project envisioned by the "Village

Concept” of the DTSP. However, Staff believes the hotel should not have a reduced setback and that such a reduction for the hotel would not result in better land use planning. It is recommended that the hotel be setback a minimum of 50 ft. from the PCH right of way consistent with the DTSP and the Waterfront Hilton development to the south of the subject site.

The increased ramp slope is an acceptable standard for driveways without parking on either side. The increased ramp slope allows for a more efficient use of land and more usable open space area resulting in a better project.

There will be private patio walls, retaining walls, and landscaped planters along Pacific View Ave., First Street, Atlanta Ave., and Huntington Street separating the ground floor private patios with the public sidewalks around the perimeter of the residential project site that will exceed the max. 42 inches required by up to two ft. six inches (2’ 6”). This special permit is necessary due to the grade differences between the ground floor patios and adjacent public sidewalk grades, and that there is an EIR mitigation measure that requires walls and barriers around patio areas and open space areas be shielded by at least a five ft., six in. (5’ 6”) high block wall or Plexiglas sheets to minimize exterior noise levels to these areas.

The project has been evaluated for compatibility with the surrounding neighborhood and includes perimeter buildings that provide transition and scale to adjacent properties, provides more than code required residential open space and open air commercial amenities, is designed on a pedestrian scale and character, provides the required parking to serve the uses on site, and meets the goals and policies of the General Plan.

### **Soil Remediation**

The project site requires further soil investigation and clean-up/remediation as a result of the former oil uses. Included in the applicant’s request are the activities to carry out these activities so that development can proceed. It is expected that remediation may include stockpiling, on-site remediation and excavation. As set forth in the EIR, the following mitigation measures require completion prior to development:

- Site assessment for PCB’s (this is due to three former transformers mounted on a utility pole (since removed by Southern California Edison) and a possible fourth within an electrical enclosure) located on the western portion of the site.
- Complete sampling in Area “D” (western portion of site adjacent to First Street and PCH)
- Develop and implement a remediation plan for any soil contamination that exists on the project site
- Submit closure reports that document completion of remediation of contaminated soils for the entire site.
- In the event that previously unknown soil contamination is encountered during construction, cease activities and develop a risk management plan and a site health and safety plan
- Consult with the Division of Oil, Gas and Geothermal Resources (DOGGR) regarding plug or replug of abandoned oil wells.

Clean-up of the site will be completed under the review of the City of Huntington Beach Fire Department, who will consult with other agencies as necessary pursuant to standard procedures. Staff supports the applicant’s request because it will be completed pursuant to the EIR mitigation measures and industry

protocol with appropriate oversight, and it will result in a clean site thus enabling development to proceed in furtherance of the City's vision and goals for the downtown area.

### **Tentative Map:**

The proposed subdivision will create three parcels: one for residential condominium purposes and the other two for commercial/hotel development. The map includes right of way dedications along Pacific Coast Highway, First Street, Atlanta Avenue, and Huntington Street as well as the Pacific View Avenue extension through the entire site. In addition to the perimeter sidewalk easements surrounding the site, there will be a 20 ft. wide pedestrian easement that continues through both the commercial and residential portions of the site from PCH to Atlanta Avenue. Also, the 2.03-acre Village Green Park/open space area will be an easement to the City for public access purposes. Staff supports the request.

### **Pacific City Master Plan:**

The Pacific City Master Plan describes the site and a general overview of the project. It was used as a guide for developing details of the plan for conditional use permit submittal and the EIR analysis. Since the CUP has been submitted and the EIR complete, the Master Plan becomes an accent piece. Its only benefit now is that it does discuss a pedestrian overpass crossing PCH. Since the current CUP submittal does not include the overpass, a separate CUP will be required at such time one is proposed.

### **City Broad Criteria and Objectives:**

In 1997 the city Council adopted Broad Criteria and Objectives (Attachment No. 10) for the 31-acre site. They included three categories: Financial, Development, and Environmental. Based upon the proposed development and the analysis herein, the project is consistent with this criteria.

### **SUMMARY:**

Staff recommends approval of Tentative Tract Map No. 16338, Conditional Use Permit No. 02-20, Special Permit No. 02-04, Coastal Development Permit No. 02-12, Pacific City Master Plan, and Statement of Overriding Considerations for the Reduced Retail Commercial Project Alternative Plan based on Findings, Staff Suggested Modifications, and Suggested Conditions Of Approval as noted under the Statement of Issue.

### **ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – TTM #16338, CUP #02-20, SP #02-04, CDP #02-12
  2. Site Plan, Floor Plans, Elevations, and Sections dated December 23, 2003 (**Full size plans**)
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**available for review at the Planning and Zoning Counter, City of Huntington Beach)**

3. Tentative Tract Map No. 16338 dated February 13, 2004
4. Pacific City Master Plan received and dated July 10, 2003 (includes Surrounding Land Uses, Conceptual Site Plan, and Vehicular and Pedestrian Circulation)
5. Project Narrative dated Feb. 24, 2004
6. Parking Demand Analysis by Linscott, Law & Greenspan dated October 15, 2004
7. Zoning Conformance Matrix
8. CEQA Statement of Findings and Fact with Statement of Overriding Considerations – EIR No. 02-01
9. Parking Plan Review by IPD dated Jan. 14, 2004
10. City of Huntington Beach Broad Criteria and Objectives for 31 Acres (April 30, 1997)
11. Draft Affordable Housing Plan dated Dec. 15, 2003
12. Environmental Impact Report No. 02-01 (**Not Attached - See Planning Commission Staff Report**)
13. Draft Public Art Concept dated Dec. 22, 2003

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## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS FOR APPROVAL AND CONDITIONS OF APPROVAL**

**TENTATIVE TRACT MAP NO. 16338/ CONDITIONAL USE PERMIT NO. 02-20/  
SPECIAL PERMIT NO. 02-04/ COASTAL DEVELOPMENT PERMIT NO. 02-12/  
MASTER PLAN  
(PACIFIC CITY MIXED USE PROJECT)**

***March 23, 2004***

#### **SUGGESTED FINDINGS FOR APPROVAL - TENTATIVE MAP NO. 16338:**

1. Tentative Tract Map No. 16338 to subdivide approximately 27.8 acres (31.5 gac) into three parcels (a 17.2 acre parcel for residential condominium purposes; a 6.47 acre parcel for retail, office, restaurant, cultural, and entertainment development; and a 4.12 acre parcel for a hotel development); dedicate a 2.03 acre easement for a Village Green Park/open space, and a 20 foot wide pedestrian corridor easement with public access; and dedicate Pacific View Avenue per the Precise Plan of Street Alignment is consistent with the General Plan Land Use Map designations on the subject site. The commercial portion of the site is designated CV-F7-sp (Commercial Visitor - Max. 3.0 Floor Area Ratio - Specific Plan Overlay) and General Plan Subarea 4C (PCH/Lake Street), and the residential portion of the site is RH-30-sp (High Density Residential - Max. 30 u/gac - Specific Plan Overlay) and General Plan Subarea 4I (Atlanta-First Street). The subdivision will provide for a mixed-use project consistent with the design concept envisioned by the Downtown Specific Plan and General Plan, and will provide for necessary public improvements around the site. In addition, the applicant will pay the full City Park Land In-Lieu Fees.
2. The site is physically suitable for the type and density of development. The 27.8-acre project site provides the necessary area for a mixed-use development (191,100 sq. ft. mixed-use project with retail, office, restaurant, cultural, and entertainment uses, a 400 room, eight story hotel, spa and health club above two levels of subterranean parking, and 516 multiple-family residential condominium units above two levels of subterranean parking) consistent with the intensity and density of the Downtown Specific Plan – District 7A (Visitor-Serving Commercial) and 8A (High Density Residential) with a Coastal Zone overlay, the General Plan designations, and with the implementation of mitigation measures.
3. The design of the subdivision or the proposed improvements will not cause serious health problems or substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. Notwithstanding the foregoing, the Planning Commission may approve such a tentative map if an environmental impact report was prepared with respect to the project and a finding was made that specific economic, social or other considerations make infeasible the mitigation measures or project alternatives identified in the environmental impact report.
4. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision unless alternative easements, for access or for use, will be provided. The tentative map provides all the

necessary easements and access requirements of the City for the public and provides the necessary public improvements. The improvements include dedications, curbs, gutters, sidewalks, streets, and easements with public access through the development and to a Village Green park/open space easement to adequately serve the site and adjacent properties.

#### **SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 02-20:**

1. Conditional Use Permit No. 02-20 to construct a 191,100 sq. ft. mixed use project consisting of retail, office, restaurant, cultural, and entertainment uses and a 400 room, eight story hotel, spa and health club above two levels of subterranean parking with 1,542 spaces; construct 516 condominium units within a mix of two, three, and four story buildings above two levels of subterranean parking with 1,291 spaces; permit alcohol beverage sales, live entertainment indoors and outdoors, dancing, 10,550 sq. ft. of outdoor dining; carts and kiosks in conjunction with the mixed commercial and hotel development; permit a reduction in the number of parking spaces required for the mixed use project (1,542 spaces in lieu of min. 1,776 spaces) and for tandem parking spaces; permit valet service, parking entrance gates, attendant booths, and/or collection of fees within the subterranean parking garage; permit any additional soil remediation activities for the site to complement and complete the prior and on-going remediation activities, which may include but are not limited to excavation, temporary stockpiling, and on-site remediation; permit associated infrastructure improvements including the extension of Pacific View Avenue; permit development on a site with a grade differential of greater than three (3) feet from the low to the high point; improve a 2.03 acre Village Green Park easement; and Master Plan will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project has been evaluated for compatibility with the surrounding neighborhood and includes perimeter buildings that provide transition and scale to adjacent properties, provides more than code required residential open space and open air commercial amenities, is designed on a pedestrian scale and character, provides the required parking to serve the uses on site, and meets the goals and policies of the General Plan.
2. The conditional use permit will be compatible with surrounding uses because the project is designed with a contemporary Mediterranean architectural theme which is compatible with the Downtown Design Guidelines and the project will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project incorporates the proper massing and scale, the design features of the Mediterranean architectural style and the colors and materials recommended by the Design Guidelines for the Downtown. The project will provide public improvements to make the project compatible with other adjacent public improvements required of downtown development to provide a consistent streetscape for the project area. The project also is designed with buildings that terraces with the grade, especially along Huntington Street.
3. The conditional use permit for 1,542 parking spaces in lieu of the 1,776 spaces required per Schedule "A" in Section 231.04 of the ZSO for the Reduced Project Alternative Plan (191,100 sq. ft.) is substantiated by the Parking Demand Analysis prepared by Linscott, Law, and Greenspan dated October 15, 2003. This analysis is based on the proposed use of the buildings which will not generate additional parking demand than the proposed 1,542 spaces. In addition, a Transportation Demand Management Plan which exceeds the minimum required by Section 230.36 of the ZSO will be submitted prior to issuance of a building permit.

4. The proposed request will comply with the provisions of the base district and other applicable provisions in the Downtown Specific Plan and Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project with the special permits provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvements for the development.
5. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of CV-F7-sp (Commercial Visitor - Max. 3.0 Floor Area Ratio - Specific Plan Overlay) and General Plan Subarea 4C (PCH/Lake Street) for the commercial portion of the site, and RH-30-sp (High Density Residential - Max. 30 u/gac - Specific Plan Overlay) and General Plan Subarea 4I (Atlanta-First Street) for the residential portion of the site. In addition, it is consistent with the following goals and policies of the General Plan:

A. Land Use Element

Goal LU 1: Achieve development that maintains or improves the City's fiscal viability and reflects economic demands while maintaining and improving the quality of life for the current and future residents of Huntington Beach.

Policy LU 1.1.2: Promote development in accordance with the Economic Development Element.

Goal LU 2: Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.

Policy LU 2.1.7: Ensure that development shall not occur without providing for adequate school facilities.

Goal LU 4: Achieve and maintain high quality architecture, landscape, and public open spaces in the City.

Policy LU 4.1.1: Require adherence to or consideration of the policies prescribed for Design and Development in the Huntington Beach General Plan, as appropriate.

Policy LU 4.1.2: Require that an appropriate landscape plan be submitted and implemented for development projects subject to discretionary review.

Policy LU 4.2.1: Require that all structures be constructed in accordance with the requirements of the City's building and other pertinent codes and regulations; including new, adaptively re-used, and renovated buildings.

Policy LU 4.2.4: Require that all development be designed to provide adequate space for access and parking.

Policy LU 4.2.5: Require that all commercial, industrial, and public development incorporate appropriate design elements to facilitate access and use as required by State and Federal Laws such as the American's with Disabilities Act.

Goal LU 7: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources, scale and character.

Policy LU 7.1.2: Require that development be designed to account for the unique characteristics of project sites and objectives for community character and in accordance with the Development "Overlay" Schedule, as appropriate.

Policy LU 7.1.5: Accommodate the development of a balance of land uses that maintain the City's fiscal viability and integrity of environmental resources.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for City's neighborhoods, corridors, and centers.

Policy LU 8.1.1: Accommodate land use development in accordance with the patterns and distribution of use and density depicted on the Land Use Plan Map, in accordance with the appropriate principles.

Policy LU 9.3.1: Permit the development of master-planned residential projects that incorporate a mix of housing types, neighborhood-serving commercial services, schools, parks, open space, and other elements in areas designated for residential on the Land Use Map.

Policy LU 9.3.2: Require the design of new residential subdivisions to consider the following:

- a. Establish a street configuration involving the interconnection of individual streets that emphasizes a pattern of "blocks" rather than cul-de-sacs.
- b. Integrate public squares, mini-parks, or other landscaped elements.
- c. Cluster residential units and, if possible, integrate small clusters of multi-family housing within single family areas to preserve open space.
- d. Establish a common "gathering" or activity center within a reasonable walking distance of residential neighborhoods. This center may contain services, such as child or adult-care, recreation, public meeting rooms, recreational facilities, small convenience commercial uses, or similar facilities.
- e. Site common facilities around a public park or plaza to encourage a high level of community activity.
- f. Establish a continuous network of sidewalks, bicycle and pedestrian paths, and other elements that link all community areas and provide linkages to land uses in adjacent areas.
- g. Orient housing units to neighborhood and collector streets.
- h. Site and design of units and incorporate elements, such as porches, that emphasize front yards as an activity area and "outdoor living room," by locating garages in the rear or side yards.
- i. Consider reduced street widths to achieve a more "intimate" relationship between structures, to the extent feasible and in accordance with Huntington Beach Fire Department regulations.
- j. Consider an increase in front yard setbacks, sidewalk widths, and the inclusion of landscaped parkways, especially in neighborhoods where the street width is reduced.
- k. Include alleys or other means to minimize the dominance of garages along the street frontage.
- l. Include setbacks and other design elements that buffer residential units from the impacts of abutting existing commercial and/or industrial development.

Policy LU 9.3.3: Require that nonresidential structures incorporated in residential neighborhoods be designed to be compatible with and convey the visual and physical scale and character of residential structures.

The mixed-use project consisting of retail, office, restaurant, cultural, entertainment uses and a 400 room, eight-story hotel proposed for the site represents development that would support the needs and reflect market demand of City residents and visitors. The proposed development improves the project site, much of which is currently vacant, and provides additional destination uses that would attract and complement new and existing retail, restaurant, and hotel uses.

The design of the project promotes development of commercial buildings that convey a unified, high-quality visual image and character. It is in conformance with the City's Design Guidelines. The City's Design Review Board has reviewed the proposed architecture, colors, and materials and recommends approval of the design concept. The project provides for adequate access along all public streets, and required parking pursuant to a parking analysis in a two-level subterranean parking structure.

The proposed multiple family residential buildings are well articulated and have enhanced building elevations along street frontages. Ground floor units along the perimeter of the residential site are oriented towards the street. The design of the residential subdivision includes four district neighborhoods emphasizing a cluster of buildings around a 2.03-acre village green park with recreational areas and a 20-foot wide pedestrian corridor. Connecting the village green park to Pacific View Avenue is a 65-foot entry corridor that is accessible to either crosswalk on Pacific View Avenue providing access to the retail promenade. With subterranean parking, there are no garages to dominate the street scene and front yard/patios become activity areas. In addition, there will be a landscaped parkway adjacent to the curb around the perimeter of the site. The residential project is separate from commercial activities by Pacific View Avenue.

There will be surplus parking for the project; a total of 1,542 commercial parking spaces and 1,291 residential parking spaces are proposed. The number of residential parking spaces is based on Schedule "A" in Section 231.04 of the ZSO, and the number of commercial/hotel parking spaces is based on a Parking Demand Analysis prepared by Linscott, Law, and Greenspan. The Analysis concluded the peak demand for the Reduced Retail Commercial Alternative Plan would be 1,372; thus, there will be 170 surplus parking spaces for the commercial/hotel development.

There will be public improvements made in conjunction with the project to ensure that the development is adequately served with infrastructure. In addition, the developer will be paying required school fees and comply with a Mitigation Agreement with the affected school districts.

## B. Coastal Element

Goal C 1: Develop a land use plan for the Coastal Zone that protects and enhances coastal resources, promotes public access and balances development with facility needs.

Objective C 1.1: Ensure that adverse impacts associated with coastal zone development are mitigated or minimized to the greatest extent feasible.

Policy C 1.1.1: With the exception of hazardous industrial development, new development shall be encouraged to be located within, contiguous or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individual or cumulative, on coastal resources.

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Policy C 1.1.7: Encourage cluster development in areas designated for residential use within the Coastal Zone.

Objective C 1.2: Provide a land use plan that balances location, type, and amount of land use with infrastructure needs.

Policy C 1.2.1: Accommodate existing uses and new development in accordance with the Coastal Element Land Use Plan and the Development and Density Schedule, Table C-1.

Policy C 1.2.3: Prior to the issuance of a development entitlement, the City shall make the finding that adequate services (i.e., water, sewer, roads, etc.) can be provided to serve the proposed development, consistent with policies contained in the Coastal Element, at the time of occupancy.

Policy C 2.2.3: Maintain existing pedestrian facilities and require new development to provide pedestrian walkways and bicycle routes between developments.

Policy C 2.4.1: Maintain an adequate supply of parking that supports the present level of demand and allows for the expected increase in private transportation use.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Objective C 3.2: Ensure that new development and uses provide a variety of recreational facilities for a range of income groups, including low-cost facilities and activities.

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Objective C 4.1: Provide opportunities within the Coastal Zone for open space as a visual and aesthetic resource.

The proposed project would develop a mix of commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing

infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced commercial retail project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel.

### C. Economic Development Element

Goal ED 2: Aggressively retain and enhance the existing commercial, industrial, and visitor-serving uses while attracting new uses to Huntington Beach.

Objective ED 2.6: Expand and enhance the existing visitor-serving uses.

Policy ED 2.6.1: Encourage the attraction of coastal and inland visitor-serving uses to offer a wider spectrum of visitor opportunities

Policy ED 2.6.2: Encourage visitor supported commercial development to concentrate in selected areas of the City, thereby creating identifiable visitor-oriented centers.

Goal ED 3: Enhance Huntington Beach's economic development potential through strategic and land use planning and sound urban design practices.

Objective ED 3.1: Maximize the economic viability of commercial and industrial use through the creation of specialized districts and nodes.

Policy ED 3.1.1: Create differentiated clusters or nodes of retail, industrial, and office uses.

Policy ED 3.2.1: Create commercial-recreation nodes along the inland side of Pacific Coast Highway.

Policy ED 3.2.2: Encourage mixed-use (retail/office/residential) structures on the downtown area and at the visitor-serving nodes along Pacific Coast Highway.

Policy ED 3.2.3: Attract visitor-serving uses near the beach in order to create better linkages between the beach and visitor-supporting retail uses.

The proposed project promotes development in accordance with Huntington Beach's Economic Development Element, as retail, office, restaurant, cultural, entertainment uses, and a 400 room, eight-story hotel development will broaden and stabilize the City's economic base and further diversify the range of overnight accommodations. In addition, the visitor-serving retail and commercial uses would further support the economic needs of the City.

### D. Housing Element



Policy H 3.1.1: Encourage the provision and continued availability of a range of housing types throughout the community, with variety in the number of rooms and level of amenities.

The residential portion of the project is designed for 516 residential units in four different neighborhoods. There will be 15 varied floor plans in a townhome and stacked flat design. The floor plan sizes range from an average of 850 sq. ft. to 2,450 sq. ft. with one, two, and three bedrooms. Also, 15% of the total project units will be affordable for low to moderate-income families. These units will be on-site and off-site.

E. Circulation Element

Policy CE 2.3.1: Require development projects to mitigate off-site traffic impacts and pedestrian, bicycle, and vehicular conflicts to the maximum extent feasible.

Policy CE 2.3.4: Require that new development mitigate its impact on City streets, including but not limited to, pedestrian, bicycle, and vehicular conflicts, to maintain adequate levels of service.

The applicant will be constructing Pacific View Avenue, improvements to Atlanta Ave., Huntington Street, First Street, and PCH, and a bus turnout on PCH. The EIR included a detailed traffic analysis to document potential impacts associated with the project. Mitigation would be required for the intersection of PCH and Seapoint, and PCH and Warner, as well as a traffic signal at 1<sup>st</sup> and Atlanta. Mitigation Measures TR-1 through TR-3 require the developer to contribute its fair share of the cost of these improvements and construct the signal.

F. Recreation and Community Services Element

Goal 5: Provide parks and other open space areas that are efficiently designed to maximize use while providing cost efficient maintenance and operations.

The residential portion of the project is required to provide 4.81 acres of open space area based on 25% of the total residential floor area. The proposal is for 9.28 acres of common and private open space which represents 53.8% of the site. Some of this common area will be accessible by the public including a 2.03 acre Village Green park/open space easement, 65 foot Village Green park entry corridor, and a 20 foot wide pedestrian easement corridor from Atlanta Avenue to PCH. In addition, the applicant will be paying the full (100%) City Park Land In-Lieu Fees.

### *G. Subarea Schedule*

#### *Subarea 4C PCH/First Street (Commercial/Hotel Component):*

- Permitted Uses: Visitor-serving and community-serving commercial uses, restaurants, entertainment, and other commercial uses.
- Density/Intensity: Maximum 3.0 FAR; maximum height of eight stories
- Establish a unified “village” character, using consistent architecture and highly articulated facades and building masses.
- Require vertical setbacks of structures above the second floor.
- Incorporate pedestrian walkways, plazas, and other common open spaces for public activity.
- Provide pedestrian linkages with surrounding residential and commercial areas.
- Establish a well-defined entry from PCH.
- Maintain views of the shoreline and ocean.

The mixed-use project consists of retail, office, restaurant, cultural, entertainment uses (live entertainment and dancing) and a 400 room, eight-story hotel. The commercial buildings are two to three stories clustered along a crescent shaped pedestrian walkway with a series of gathering areas and plazas for public activity and views to the ocean. A unified, high-quality visual image and character is created by the unique building designs and architecture. There is a 20-foot wide pedestrian walkway through the commercial project from PCH to Pacific View Avenue and then it continues through the residential area connecting Pacific View Avenue to Atlanta Avenue. Along the PCH frontage is a meandering walkway with defined entries at First Street and Huntington Street.

#### *Subarea 4I Atlanta-First Street (Residential Component):*

- Permitted Uses: Multi-family residential, parks and other recreational amenities, schools, and open spaces.
- Density/Intensity: Maximum height of four stories; Maximum 30 units per net acre.
- Requires the preparation and conformance to a specific plan or master plan.
- Establish a cohesive, integrated residential development in accordance with the policies and principles stipulated for “New Residential Subdivisions” (Policies 9.3.1 – 9.3.4).
- Allow for the clustering of mixed density residential units and integrated commercial sites.
- Require variation in building heights from two to four stories to promote visual interest and ensure compatibility with surrounding land uses.

There are 516 multiple family residential units proposed at a maximum density of 30 units per net acre in accord with the Downtown Specific Plan. The units are in two to four story, well articulated buildings with enhanced building elevations along street frontages. The residential development is consistent with the policies of 9.3.1 to 9.3.3 as noted under the Land Use Element of this section. Incorporated into the project is a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH, which will be open to the public.

## **SUGGESTED FINDINGS FOR APPROVAL – SPECIAL PERMIT NO. 02-04:**

1. The granting of Special Permits pursuant to Section 4.1.02 of the Downtown Specific Plan in conjunction with Conditional Use Permit No. 02-20 is for the following:
  - a. Encroach into the minimum building setback along Pacific Coast Highway (30 ft. in lieu of min. 50 ft.) and along Pacific View Avenue (15 ft. in lieu of min. 20 ft.);
  - b. Exceed the maximum slope percentage for three driveway ramps into the residential below grade parking structures (15% in lieu of maximum 10%); and
  - c. Exceed the maximum height for retaining walls and private patio walls in the required perimeter residential setback areas (3.5 ft. to 6 ft. in lieu of maximum 3.5 ft.).

These Special Permits result in a greater benefit from the project and will promote a better living environment because the arrangement of structures, parking, circulation areas, and open space areas relate to the surrounding built environment in pattern, function, scale, and character. The commercial portion of the project is a blend of the reduced building setbacks along PCH north of the site and the greater setbacks of the hotels along PCH to the south of the site. The placement and design of structures along PCH and Pacific View Avenue with reduced setbacks, except for the hotel, results in a better project because it facilitates and encourages pedestrian activity and conveys a visual link to PCH and Pacific View Avenue. The reduced setbacks, except for the hotel, allow for clustering of buildings to create unique plaza areas throughout the project envisioned by the “Village Concept” of the DTSP. The hotel would not result in better land use planning so therefore it is conditioned to be redesigned to have a minimum 50 ft. setback from the PCH right of way consistent with the DTSP and the Waterfront Hilton development to the south of the subject site.

The increased ramp slope is an acceptable standard for driveways without parking on either side. The increased ramp slope allows for a more efficient use of land and more usable open space area resulting in a better project.

There will be private patio walls, retaining walls, and landscaped planters along Pacific View Ave., First Street, Atlanta Ave., and Huntington Street separating the ground floor private patios with the public sidewalks around the perimeter of the residential project site that will exceed the max. 42 inches required by up to two ft. six inches (2’ 6”). This special permit is necessary due to the grade differences between the ground floor patios and adjacent public sidewalk grades, and that there is an EIR mitigation measure that requires walls and barriers around patio areas and open space areas be shielded by at least a five ft., six in. (5’ 6”) high block wall or Plexiglas sheets to minimize exterior noise levels to these areas.

2. The granting of Special Permits will provide better land planning techniques with maximum use of aesthetically pleasing types of architecture, landscaping, site layout and design due to the use of appropriate site planning by the arrangement of structures, parking, circulation areas, and open space areas.
3. The granting of Special Permits will not be detrimental to the general health, welfare, safety, and convenience of the neighborhood or City in general, nor detrimental or injurious to the value of property or improvements of the neighborhood or of the City in general. The project has been

evaluated for compatibility with the surrounding neighborhood and includes perimeter buildings that provide transition and scale to adjacent properties, provides more than code required residential open space and open air commercial amenities, is designed on a pedestrian scale and character, provides the required parking to serve the uses on site, and meets the goals and policies of the General Plan.

4. The granting of Special Permits will be consistent with objectives of the Downtown Specific Plan in achieving a development adapted to the terrain and compatible with the surrounding environment. The project does include the arrangement of structures, parking, circulation areas, and open space areas that relate to the surrounding built environment in pattern, function, scale, and character. The commercial portion of the project has varied setbacks along PCH that is similar to the existing developments to the north and south. The reduced setbacks allow for clustering of buildings to create unique plaza areas throughout the project envisioned by the “Village Concept” of the DTSP. The incorporation of the special permits into the project benefits the overall design and therefore provides a better living environment for the resident, tenant, customer, and visitor to the downtown area.
5. The granting of Special Permits is consistent with the policies of the Coastal Element of the City’s General Plan and the California Coastal Act. The project is consistent with the Coastal Element goals, objectives, and policies as noted under the Conditional Use Permit Findings. The proposed project would develop a mix of commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced retail commercial project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel. The proposed special permits in conjunction with Conditional Use Permit No. 02-20, Coastal development Permit No. 02-12, Tentative Tract Map No. 16338, and the incorporation of and implementation of adopted conditions of approval and the Mitigation Monitoring and Reporting Program of Final EIR No. 02-01 will comply with State and Federal Law.

#### **SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 02-12:**

1. Coastal Development Permit No. 02-12 for the development project conforms with the General Plan, including the Local Coastal Program. The proposed project would develop a mix of commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the

commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel.

2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code except for any special permits approved concurrently. The proposed is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvements for the development.
3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project will provide all necessary infrastructures to adequately service the site and not impact adjacent development. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, sidewalks, streets, easements and reciprocal access between properties to adequately serve the site and adjacent properties.
4. The development conforms to the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project does not conflict with any public recreation policies and it will add opportunities for access by improving the perimeter sidewalks and creating lookouts that are consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan as referenced in the Conditional Use Permit Findings.

The proposed project would develop a mix of commercial and residential uses on parcels contiguous to similar uses in an established, urban, downtown area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project includes a 2.03-acre Village Green park easement, 65-foot Village Green park entry corridor, and a 20-foot wide pedestrian easement corridor from Atlanta Avenue to PCH which will be available to the public. Residential units are designed in building clusters. Parking is provided for the residential and commercial uses in two level subterranean parking structures. With the reduced project alternative plan (191,100 sq. ft.), there will be surplus parking spaces for the commercial/hotel uses based on a shared parking analysis that will allow for a future demand for increased parking. Views of the beach/ocean will be available from locations along the public sidewalk along the inland side of PCH and from terraced lookouts within the retail promenade walkway and the hotel.

#### **SUGGESTED CONDITIONS OF APPROVAL – TENTATIVE TRACT MAP NO. 16338:**

1. Tentative Tract Map No. 16338 and associated engineering exhibits received and dated February 13, 2004 for the subdivision of 34 gross acres into three lots, one of which is for condominium purposes, shall be the approved layout with the following modifications:
  - a. Identify gross and net acreages for each lot in the summary table.
  - b. Fully dimension the Village Green park area, and identify it as open to the public.
  - c. Identify Lot No. 1 as a lot for residential condominium purposes.

2. Prior to submittal of the Final Tract Map to the Public Works Department for processing and approval, the following shall be required:
  - a. At least 90 days before City Council action on the final tract map, CC&Rs shall be submitted to the Planning Department for review and approval by the Community Services Department, Public Works Department, and the City Attorney. The CC&Rs shall reflect the common driveway access easements, and maintenance of all walls and common landscape areas by the Homeowners' Association. The CC&Rs must be in recordable form prior to recordation of the Final Tract Map map.
    - 1) The CC&R's shall include language to address the right of the public to use the 2.03 acre Village Green park easement, minimum 65 foot Village Green park entry corridor, and 20 foot wide pedestrian easement, and further that the right to meander off of the easements, and to walk over, traverse, and otherwise use, for recreational purposes, the areas identified as pedestrian public circulation areas depicted on the Wall & Fence Plan as approved by the Planning Commission, and the right for City to erect signs on the easements or pedestrian public circulation areas designating such property as being open for public use and access.
    - 2) Grantor may not make any improvements to the easements or the pedestrian public circulation areas (including, without limitation, the installation of entry gates, signs prohibiting or restricting entry, or other improvements), or take any action (excluding normal maintenance), that would affect, in any manner, the right of the public to the unimpeded use of the easements or pedestrian public circulation areas without the prior written consent of Grantee, which Grantee may give or withhold in Grantee's sole and absolute discretion. The CC&R's shall include language that requires the Master Association to maintain the 2.03 acre park easement open space, and public access corridors as identified in the Final Tract Map and approved Improvement Plans.
    - 3) Notwithstanding anything to the contrary contained herein, Grantor shall have the right to install privacy gates to prevent public access to the portions of Lots 1, 2, and 3 which are not identified as pedestrian public circulation areas as depicted on the Wall & Fence Plan as approved by the Planning Commission.
    - 4) The CC&R's shall include the formation of a Master Association that shall govern, oversee, coordinate, and control all individual Homeowner's Associations and all Business Associations that include all areas of the proposed development for the primary purpose of coordinating and control of uniform maintenance, liability, and repair of all common areas, and public walkway easements. The Master Association shall also be solely responsible for the maintenance and replacement of the required landscaped medians in First Street, Atlanta Avenue, Huntington Street, and Pacific View Avenue, the decorative pavement within public streets adjacent to the project, and those items specified in the Maintenance License Agreement between the Master Association and the City.
    - 5) The CC&R's shall address the maintenance of all awnings and rails for the commercial and residential portions of the project. They shall also define allowable uses and structures in the 20-foot pedestrian corridor for the commercial portion of the project; fences and other permanent and temporary barriers shall be prohibited. Exclusive use by any business, carts, kiosks, and tables are not permitted. Benches, potted plants and similar amenities may be permitted subject to the approval of the Departments of Planning and Public Works.

- 6) The CC&R's shall refer to the Special Utility Easement Agreement. **(PW)**
- 7) The CC&R's shall refer to the Maintenance License Agreement.
- b. A draft Affordable Housing Agreement Plan received and dated Dec. 23, 2003 shall be the conceptually approved plan. It shall be modified as necessary to reflect the requirements below and shall be submitted to the Planning Department for review and approval prior to recordation of the Tract Map. The agreement shall provide for affordable housing on-site, or combination of on-site and off-site. The contents of the agreement shall include the following:
  - 1) Minimum 15 percent (78 units) of the total units shall be affordable to families of very low-income (less than 50% of Orange County median), low-income level (less than 80% of Orange County median), and moderate-income level (less than 100% of Orange County median) for a period of sixty years. Section 1 Requirements of the Plan is acceptable with the clarification that it shall be for a period of 60 years.
  - 2) A detailed description of the type, size, location and phasing of the affordable units, on-site and off-site.
  - 3) Off-site affordable units (new or rehabilitated) shall be under the full control of the applicant.
  - 4) The affordable units shall be constructed and/or acquired prior to or concurrent with the market rate units. The affordable units must be entitled, approved, and building permits obtained (and/or restrictive covenant recorded) concurrent with the following development phasing:

<u>PHASE</u> <u>(Exhibit D-007)</u>	<u>RESIDENTIAL</u> <u>UNITS</u>	<u>AFFORDABLE</u> <u>RESIDENTIAL UNITS</u>
IIa	68	10
III	125	20
IV	203	30
Va	120	18

As an example, concurrent with issuing permits for any of the 68 units in phase IIa, at least 10 affordable units must be identified, entitled, approved, and building permits obtained, and/or covenant recorded. All affordable units must be made available for occupancy prior to issuance of building permits for the last phase of development unless such units are included as part of that phase; or evidence of the applicant's reasonable progress towards attainment of completion of the affordable units for the respective phase.

3. The following conditions shall be completed prior to recordation of the Final Tract Map unless otherwise stated. Bonding may be substituted for construction in accordance with the provisions of the Subdivision Map Act. **(PW)**
  - a. Dedicate a minimum 2.03 acres easement for Village Green park purposes to the City of Huntington Beach. The minimum 2.03 acres shall be inclusive of the public park entry corridor between the park and Pacific View Ave. The loop road may be private and include vehicle gates; it shall remain accessible to the public for pedestrian access. The Village Green park entry

corridor shall be a minimum of 65 feet in width at its narrowest point and shall be a public easement dedicated on the Final Tract Map.

- b. An agreement shall be executed between the City and applicant prior to Final Tract Map approval that binds the Master Association and individual Associations in perpetuity for the conditions stated herein and that the Village Green Park will always be for public use and not changed to be for private use.
  - c. The developer shall provide a Maintenance License Agreement to be a part of the Master Association agreement for maintenance of the medians, landscaping in the medians and Edison-owned street lighting adjacent to the project for Pacific Coast Highway, Pacific View Avenue, First Street, Atlanta Avenue, Huntington Street and “A” Street if public. The Agreement shall state that the Master Association shall be responsible for all costs associated with the dry weather flow diversion and treatment (including, but not limited to, pumping charges and OCSD fees, etc.). Furthermore, the Agreement shall address the Master Association’s responsibility for the maintenance of the 2.03-acre park easement, all enhanced paving in public streets (Pacific View Avenue), pedestrian easements, sidewalk, parkway landscaping, and street furniture located behind public street curbs within the project site. Maintenance shall include but not be limited to sidewalk cleaning, trash cans, disposal of trash, signs, the regular maintenance and cleaning of all angled parking areas (i.e., markings, street sweeping) along Pacific View Avenue between First Street and Huntington Street, etc. The Master Association shall be solely responsible for paying the cost of maintenance, inspections, cleanup, operation, monitoring, replacement planting, and equipment replacement of all improvements required for this project. (PW)
  - d. The sewer and portions of the storm drain systems located within private streets shall be private and maintained by the Homeowner’s Association.
  - e. A bond shall be posted for the potential conversion of Pacific View Avenue to a 4-lane divided roadway as dictated by the General Plan. The bond shall be maintained until such time that the roadway conversion improvements are completed and accepted by the City, or a General Plan Amendment is approved to eliminate the requirement of the conversion, or 10 years from the date of tract acceptance, whichever occurs first. The amount of the bond shall be determined by a preliminary design of full-width street improvements for Pacific View Avenue (in conformance with the Precise Plan of Street Alignment) and cost estimate prepared by the applicant and approved by the City Engineer. (PW)
  - f. The two intersections of “A” Street and Pacific View shall be designed as enhanced intersections per the approved conceptual plan and shall be depicted on the Street Improvement Plans. (PW)
  - g. Agreements with appropriate school districts intending to mitigate the impact on school facilities shall be executed. The Planning Department shall be provided with a copy of the agreement prior to recordation of the final tract map.
  - h. A Letter of No Further Action (or Letter of Closure) shall be obtained from the Fire Department regarding the soil remediation prior to recordation of the Final Tract Map, or issuance of any grading permits, whichever occurs first. **(FD)**
4. The water system for the entire project shall be a public system; except, any portion of the fire service water system that is not public shall be maintained by the HOA in accordance with the language to be provided by the Fire Department for the CC&R’s. **(FD)**



5. Prior to commencing soil remediation or grading operations, the name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Departments of Planning and Public Works. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403. (PW)
6. The applicant shall notify all property owners and tenants within 500 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading. The project sponsor shall designate a "disturbance coordinator" who shall be responsible for responding to any local complaints regarding construction noise; the coordinator (who may be an employee of the developer or general contractor) shall determine the cause of the complaint and shall require that reasonable measures warranted to correct the problem be implemented; and a telephone number for the noise disturbance coordinator shall be posted conspicuously at the construction site fence and included on the notification sent to neighbors adjacent to the site. (PW)
7. A third party consultant, approved by the City, shall be responsible for monitoring on-site activities during the soil remediation, grading, and construction phases of the project and shall serve as an agent for the City. The developer shall reimburse the City for all costs associated with this third party monitoring as determined by the City.
8. Final on-site grades and elevations on the grading plan may vary by no more than two (2) feet from the on-site grades and elevations, except adjacent to the perimeter of the site which shall vary by no more than one (1) foot from the street grades and elevations on the approved Tentative Map with the approval of the Planning Department.
9. The Departments of Planning, Public Works, Fire, Building & Safety, and Community Services are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to the Final Tract Map are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission's may be required pursuant to the HBZSO.

**SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 02-20  
WITH SPECIAL PERMITS/ COASTAL DEVELOPMENT PERMIT NO. 02-12:**

1. The conceptual site plan, floor plans, and elevations for the reduced project alternative plan received and dated December 23, 2003 shall be the conceptually approved layout, with the following modifications:
  - a. The retaining wall/fence combinations along PCH shall not exceed 42” in height.
  - b. The below grade parking structures for the residential and commercial developments shall be redesigned to address the detailed comments identified in the Parking Plan Review by International Parking Design, Inc. dated January 14, 2004. Drive aisles for parking spaces shall be minimum 26 feet in width. Signage shall be provided for residential guest parking areas and guest parking spaces shall be clearly marked and accessible. Identify electric vehicle charging station parking spaces. The redesigned parking structures shall be subject to review by the Departments of Planning, Building & Safety, Fire, and Public Works.
  - c. Revise Exhibit D-006 as follows: provide minimum 25’ setback from the property lines at the intersection of PCH and First St. for carts and kiosks; provide continuous eight foot wide sidewalk along the PCH frontage without any encroachment of carts and kiosks; provide minimum 20 foot wide entryway (without any carts/kiosks) to the project from the PCH/First St. intersection; and the minimum 20 foot wide public pedestrian easement shall be consistent with the tract map without any encroachment of carts and kiosks.
  - d. The outdoor deck/dining areas for the hotel restaurant along PCH between the Porte Cochere and Huntington Street shall have a minimum setback of 25’ from PCH.
  - e. The hotel at the podium level shall be setback 50’ from the PCH right-of-way and the hotel tower (above the podium level) shall have an upper story setback of minimum ten feet from the podium level consistent with the General Plan, Subarea Schedule.
  - f. Maintain minimum 10’ free and clear (without obstruction) pedestrian path along Pacific View Ave. from First Street to the Porte Cochere entryway for the hotel.
2. The project shall comply with the Mitigation Measures of the Pacific City Environmental Impact Report (EIR No. 02-01).
3. The project shall be developed in accord with the Phasing Diagram (Exhibit D-007). Phase IIa (Residential) and IIb (Commercial Parking Structure) shall be developed concurrently. Building permits for Phase III (Residential) and other residential phases shall not be issued until Phase IIb and IIc are completed, or evidence of the applicant’s reasonable progress towards attainment of completion.
4. Prior to issuance of a precise grading permit, the following conditions shall be complied with:
  - a. A Pedestrian Accessibility Plan for the entire project site, depicting on-site and off-site improvements, shall be submitted for review and approval by the Building & Safety and Public Works Departments and by a third party consultant. The applicant shall reimburse the City for the consultant’s review. **(B & PW)**

- b. At no additional cost to the developer, the City reserves the right to increase the water main pipe sizes necessary to support the proposed development, for the benefit of the City. For example, the City will require that the 12-inch water pipeline in Huntington Street, as required by the approved hydraulic analysis, be increased to an 18-inch pipeline. The City will pay the incremental difference in materials cost between a 12-inch and an 18-inch pipeline. (PW)
  - c. The Village Green park area and entry corridor shall be designed and a detailed park improvement plan shall include typical neighborhood amenities including but not limited to tot lot play equipment, open turf play area and picnic tables and benches. All amenities must conform to current Consumer Product Safety Guidelines with certain amenities in compliance with the Americans with Disabilities Act. The entry corridor to the park (from Pacific View Ave.) and all other corridors must incorporate an architectural feature that properly identifies the area as public space. The plan shall identify play equipment, architectural features, plant material, ground cover, sidewalks, lighting, etc. and shall be reviewed and approved by the Community Services Commission, Community Services Director, and Public Works Director prior to installation. (CS/PW)
  - d. The median in Atlanta Avenue shall be designed to provide a solid median barrier through the intersection of Atlanta Avenue and Alabama Street.
5. The following conditions shall be completed prior to final building permit inspection or occupancy of the first residential unit:
- a. All existing *Washingtonia robusta* located along Pacific Coast Highway within the existing Caltrans right-of-way shall be relocated or replaced with an equivalent total trunk height either within the project, or relocated off-site as approved by the City Landscape Architect. (PW)
  - b. The applicant shall satisfy the project's fair share contribution of 22 percent of the cost of the installation of a third northbound through lane on Pacific Coast Highway at the Warner Avenue intersection. The County of Orange and Caltrans will be responsible to complete this improvement. The costs will be based on estimates prepared by the County of Orange for completion of the project or through a separate preliminary design and cost estimate prepared by the applicant to specifically address the requirements of this condition. (PW)
  - c. The applicant shall satisfy the project's fair share contribution of 26 percent of the cost of the installation of a second westbound right turn lane at the intersection on Seapoint Avenue at Pacific Coast Highway. The City shall ensure completion of this improvement by providing funds for the balance of the cost of the improvement. The applicant shall prepare plans and obtain appropriate permits for the installation, including obtaining encroachment permits from Caltrans, as needed. Final determination of fair share contribution shall be based on the actual design and construction of the improvement. The City shall complete the improvement as a capital project. (PW)
  - d. The applicant shall construct a new traffic signal at the intersection of First Street and Atlanta Avenue. The applicant shall enter into an agreement with the City to clearly indicate the applicant's responsibility to fund 57% of commitment to the cost of the improvement and the City's reimbursement to the applicant for the balance of the costs. (PW)

- e. The applicant shall construct a new traffic signal at the intersection of Huntington Street and Atlanta Avenue. The applicant shall enter into an agreement with the City to clearly indicate the applicant's responsibility to fund 59% of the commitment to the cost of the improvement and the City's reimbursement to applicant for the balance of the costs. (PW)
  - f. The Village Green park area and corridor shall be improved prior to the occupancy of the first residential unit (other than the model homes). (PW)
6. Submit detailed plans of the following for final review and approval by the Design Review Board:
    - a. Elevations, colors and materials of the hotel.
    - b. Final colors and materials of the commercial and residential buildings.
    - c. Public Art Concept Plan.
    - d. Landscape and hardscape plans on private and public property.
    - e. Planned Sign Program.
    - f. Furniture and utilities throughout the project
  7. At least 500 parking spaces shall be available for self-parking (not valet) in the commercial parking structure, and that from Labor Day to Memorial day, at least one hour be free parking, and from Memorial Day to Labor Day, at least 30 min. must be free parking.
  8. Parking meters shall be provided at all on-street public parking locations within or fronting the project frontage. Meters shall be installed according to City requirements and standards and shall meet the specifications of the City. The City will be responsible for the collection of revenue and maintenance of all parking meters. A plan depicting the location and design of the parking meter layout shall be submitted for review and approval by the Community Services and Public Works Departments.
  9. The Departments of Planning, Public Works and Fire are responsible for compliance with all conditions of approval herein as noted after each condition. The Planning Director and Public Works Director shall be notified in writing if any changes to tract map are proposed as a result of the plan check process. Permits shall not be issued until the Planning Director and Public Works Director have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action and the conditions herein. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission's may be required pursuant to the HBZSO.
  10. The applicant and/or applicant's representative shall be responsible for ensuring the accuracy of all plans and information submitted to the City for review and approval.

**SUGGESTED CONDITIONS OF APPROVAL –PACIFIC CITY MASTER PLAN:**

1. The Pacific City Master Plan received and dated July 10, 2003 shall be the approved conceptual plan.

**INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.